


PCT Appl. No.: PCT/NZ00/00170  
Filed :  herewith

**REMARKS**

These changes are being made to claim the benefit of previously filed international and New Zealand applications and to bring the subject application into better conformance with U.S. practice. No new matter is being introduced. Entrance of this amendment is respectfully requested. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2/28/02

By: 

James W. Ausley  
Registration No. 49,076  
Agent of Record  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660  
(909) 781-9231

R:\DOCS\JWAUWA-2437.DOC  
022702

PCT Appl. No.: PCT/NZ00/00170  
Filed : herewith

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

Page 1, immediately after the Title "ADJUSTABLE ELEVATING TOILET SEAT", please insert—

**Related Applications**

This application claims the benefit of the New Zealand application No. 337475 filed August 30, 1999 and the international application PCT/NZ00/00170 filed August 30, 2000.

Page 7, please amend the paragraph beginning on line 25 to read as "Figure [33] 32 is a plan view from above of a first preferred embodiment of the wheeled chair of the present invention."

PCT Appl. No.: PCT/NZ00/00170  
 Filed : Herewith

**IN THE CLAIMS:**

Please cancel Claims 4, 20-23, and 25-30 without prejudice.

Please amend the Claims as follows:

1. (Amended) An apparatus for raising and lowering a toilet seat with respect to a toilet bowl, the toilet seat having a hinged lid, the apparatus including:

a support for bearing upon a rim of the toilet bowl, the support having clamps for releasably securing the support to the toilet bowl, the [support having means to adjust the position of the] clamps **being adjustable** both lengthwise and widthwise in [the] a horizontal plane with respect to the rim in order to accommodate toilet bowl rims with varying dimensions;

guides connected between the support and the toilet seat for laterally restraining the seat and allowing [it] **the seat** to be raised and lowered, the guides including [means for] **telescoping legs** supporting the toilet seat at two or more heights above the toilet bowl; and

a toilet seat lid opening mechanism having a foot lever [pivotally] **pivotably** connected to the lid for opening thereof, a lid opening detent biased to a holding position for holding the lid in a rotated attitude, and a foot switch to release the detent, wherein the foot lever is slidably connected to a fixed section of [a said] **the guides**.

2. (Amended) [An] **The** apparatus [as claimed in] **of** Claim 1, wherein the [said] toilet seat lid opening mechanism further includes a hand lever connected to the lid, the hand lever **comprising** a hand switch **adapted** to release the [said] lid opening detent.

3. (Amended) [An] **The** apparatus [as claimed in either] **of** Claim 1 [or claim 2], wherein the [means for] **telescoping legs** supporting the toilet seat [is] **are** power actuated.

5. (Amended) [An] **The** apparatus [as claimed in any one of claims 1 to 5] **of Claim 1**, wherein the [said means for] **telescoping legs** supporting the toilet seat comprise[s] guide detents [means] associated with the [said] guides [means].

PCT Appl. No.: PCT/NZ00/00170  
Filed : Herewith

6. (Amended) [An] **The** apparatus [as claimed in any one of claims 1 to 5] of **Claim 1**, wherein the [means for] **telescoping legs** supporting the toilet seat [is] **are** fluid actuated.

7. (Amended) [An] **The** apparatus [as claimed in any one of claims 1 to 6] of **Claim 1**, wherein the seat is hingedly and releasably connected to the apparatus.

8. (Amended) [An] **The** apparatus [as claimed in any one of claims 1 to 7] of **Claim 1**, wherein **the** [said] toilet bowl is selected from **the group consisting of** a fixed toilet bowl and a portable toilet pan.

9. (Amended) [An] **The** apparatus [as claimed in any one of claims 1 to 8] of **Claim 1**, wherein **the** [said] toilet bowl is a portable toilet pan and the apparatus is incorporated into a chair.

10. (Amended) [An] **The** apparatus [as claimed in any one of claims 5 to 9] of **Claim 5**, wherein [the guide means comprise telescoping legs,] each **telescoping leg** [having] **comprises at least one** guide detent [means], **and** the apparatus **further** including one or more levers operable to engage and disengage each guide detent [means].

11. (Amended) [An] **The** apparatus [as claimed in any one of claims 4 to 10] of **Claim 1**, wherein the guide [means] comprises four or five telescoping legs.

12. (Amended) [An] **The** apparatus [as claimed in any one of the preceding claims] of **Claim 1**, [wherein said seat] further [includes] **comprising** an insert releasably engageable with the [said] seat, the [said] insert being adapted to conform to the internal shape of the [said] bowl.

13. (Amended) [A height adjustable toilet seat as claimed in] **The apparatus of Claim 12**, wherein the [said] insert incorporates concertina sides.

PCT Appl. No.: PCT/Z00/00170  
 Filed : Herewith

14. (Amended) [An] **The** apparatus [as claimed in claim 12 or 13] **of Claim 12**, wherein the [said] insert is made from a material [selected from the group:] **comprising at least one of** plastics, fiberglass, wood, **and** metal [, and a combination thereof].

15. (Amended) [An] **The** apparatus [as claimed in any one of the preceding and made a material selected from:] **of Claim 1 comprising at least one of** steel, plastics, composite materials, aluminum alloys, **and** wood [, and a combination thereof].

16. (Amended) [An] **The** apparatus [as claimed in any one of the preceding claims] **of Claim 1, further** including a toilet seat **heater** [heating means].

17. (Amended) [An] **The** apparatus [as claimed in] **of Claim 16**, wherein the [said heating means] **toilet seat heater** comprises a thermostatically controlled electrical resistance element.

18. (Amended) [An] **The** apparatus [as claimed in] **of Claim 17**, wherein the element is operated at [extra low] a voltage of [being] 12-32 Volts.

19. (Amended) [An] **The** apparatus [as claimed in any one of the preceding claims wherein said seat further includes one or more of the following elements] **of Claim 1, further comprising at least one of:**

- at least one** [one or more] arm rest[s];
- at least one collapsible arm rest;**
- a back rest;
- a collapsible back rest; [and]**
- a protective skirt arranged about the telescoping legs; **and**
- a protective skirt arranged about the telescoping legs, the skirt being injection molded from plastic.**

PCT Appl. No.: PCT/Z00/00170  
Filed : herewith

24. (Amended) [An] The apparatus [as claimed in] of Claim [23] 12, wherein [said adjustment means] the support further includes pivotable flanged portions on each side of the insert.

Please add the following new claims:

31. (New) A wheeled chair including an apparatus for raising and lowering a seat with respect to the wheeled chair, the apparatus being attached to the wheeled chair and the wheeled chair having a plurality of wheels arranged about and under the apparatus, the seat having a hinged lid, the apparatus comprising:

a support for bearing upon the wheeled chair, the support having clamps for releasably securing the support to the wheeled chair, the clamps being adjustable both lengthwise and widthwise in a horizontal plane with respect to the chair in order to accommodate chairs with varying dimensions;

guides connected between the support and the seat for laterally restraining the seat and allowing the seat to be raised and lowered, the guides including telescoping legs supporting the seat at two or more heights above the chair; and

a seat lid opening mechanism having a foot lever pivotably connected to the lid for opening thereof, a lid opening detent biased to a holding position for holding the lid in a rotated attitude, and a foot switch to release the detent, wherein the foot lever is slidably connected to a fixed section of the guides.

32. (New) The wheeled chair of Claim 31, wherein the chair further comprises a steering mechanism adapted to turn at least one set of the wheels.

33. (New) The wheeled chair of Claim 31, further comprising at least one brake engageable with at least one of the wheels.

34. (New) The wheeled chair of Claim 31, further comprising a power source and a motor operable by a user of the wheeled chair.

PCT Appl. No.: PCT/Z00/00170  
Filed : Herewith

35. (New) The wheeled chair of Claim 34, further comprising a clutch cooperating with the motor so as to enable disengagement of the motor by the user.

36. (New) The wheeled chair of Claim 31, further comprising one or two footrests.